

- (2) PERFORM HOUSEKEEPING;
- (3) TAKE READINGS; OR
- (4) DO OTHER WORK IF IT CAN BE PERFORMED SAFELY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 49C.

Subsection (a) of this section is revised in the active voice to clarify that an employer has the responsibility to make an employee available for another employee.

Defined terms: "Employee" § 5-101  
"Employer" § 5-101

5-604. DISCRIMINATION AGAINST EMPLOYEE.

(A) MEDICAL INFORMATION.

(1) AN EMPLOYER OR OTHER PERSON MAY NOT DISCHARGE OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE ON THE BASIS OF INFORMATION GAINED THROUGH PARTICIPATION OF THE EMPLOYEE IN GROUP MEDICAL COVERAGE.

(2) THIS TITLE DOES NOT PREVENT AN EMPLOYER FROM USING MEDICAL INFORMATION THAT:

(I) HAS A DIRECT, MATERIAL, AND TIMELY RELATIONSHIP TO THE CAPACITY OR FITNESS OF AN EMPLOYEE TO PERFORM THE JOB OF THE EMPLOYEE PROPERLY; OR

(II) DIFFERS SUBSTANTIALLY FROM MEDICAL INFORMATION THAT THE EMPLOYEE FALSELY PROVIDES IN AN APPLICATION FOR EMPLOYMENT.

(B) RETALIATORY ACTION PROHIBITED.

AN EMPLOYER OR OTHER PERSON MAY NOT DISCHARGE OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE:

(1) FILES A COMPLAINT UNDER OR RELATED TO THIS TITLE;

(2) BRINGS AN ACTION UNDER THIS TITLE OR A PROCEEDING UNDER OR RELATED TO THIS TITLE OR CAUSES THE ACTION OR PROCEEDING TO BE BROUGHT;

(3) HAS TESTIFIED OR WILL TESTIFY IN AN ACTION UNDER THIS TITLE OR A PROCEEDING UNDER OR RELATED TO THIS TITLE; OR

(4) EXERCISES, FOR THE EMPLOYEE OR ANOTHER, A RIGHT UNDER THIS TITLE.